

FIRST EXTRAORDINARY SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 3
96TH GENERAL ASSEMBLY

0009L.03P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 115.123, 115.755, and 115.761, RSMo, and to enact in lieu thereof two new sections relating to presidential election regulation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 115.123, 115.755, and 115.761, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 115.123 and 115.761, to read as follows:

115.123. 1. All public elections shall be held on Tuesday. Except as provided in
2 subsections 2[,], **and 3**[, and 4] of this section, and section 247.180, all public elections shall be
3 held on the general election day, the primary election day, the general municipal election day,
4 the first Tuesday after the first Monday in February or November, or on another day expressly
5 provided by city or county charter, the first Tuesday after the first Monday in June and in
6 nonprimary years on the first Tuesday after the first Monday in August.

7 2. Notwithstanding the provisions of subsection 1 of this section, an election for a
8 presidential primary held pursuant to sections [115.755] **115.758** to 115.785 shall be held on the
9 first Tuesday after the first Monday in March of each presidential election year.

10 3. The following elections shall be exempt from the provisions of subsection 1 of this
11 section:

- 12 (1) Bond elections necessitated by fire, vandalism or natural disaster;
13 (2) Elections for which ownership of real property is required by law for voting; and
14 (3) Special elections to fill vacancies and to decide tie votes or election contests.
15 4. No city or county shall adopt a charter or charter amendment which calls for elections
16 to be held on dates other than those established in subsection 1 of this section.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 5. Nothing in this section prohibits a charter city or county from having its primary
18 election in March if the charter provided for a March primary before August 28, 1999.

19 6. Nothing in this section shall prohibit elections held pursuant to section 65.600, but no
20 other issues shall be on the March ballot except pursuant to this chapter.

 115.761. 1. The official list of presidential candidates for each established political party
2 shall include the names of all constitutionally qualified candidates for whom, on or after 8:00
3 a.m. on the fifteenth Tuesday prior to the presidential primary, and on or before 5:00 p.m., on
4 the eleventh Tuesday prior to the presidential primary, a written request to be included on the
5 presidential primary ballot is filed with the secretary of state along with:

6 (1) Receipt of payment to the state committee of the established political party on whose
7 ballot the candidate wishes to appear of a filing fee of [one thousand dollars] **five thousand**
8 **dollars for any election held on or before December 1, 2012, and ten thousand dollars for**
9 **any election held thereafter;** or

10 (2) A written statement, sworn to before an officer authorized by law to administer oaths,
11 that the candidate is unable to pay the filing fee and does not have funds in a campaign fund or
12 committee to pay the filing fee and a petition signed by not less than five thousand registered
13 Missouri voters, as determined by the secretary of state, that the candidate's name be placed on
14 the ballot of the specified established political party for the presidential preference primary. The
15 request to be included on the presidential primary ballot shall include each signer's printed name,
16 registered address and signature and shall be in substantially the following form:

17 I (We) the undersigned, do hereby request that the name of be placed
18 upon the February,, presidential primary ballot as candidate for nomination as the
19 nominee for President of the United States on the party ticket.

20 2. The state or national party organization of an established political party that adopts
21 rules imposing signature requirements to be met before a candidate can be listed as an official
22 candidate shall notify the secretary of state by October first of the year preceding the presidential
23 primary.

24 3. Any candidate or such candidate's authorized representative may have such candidate's
25 name stricken from the presidential primary ballot by filing with the secretary of state on or
26 before 5:00 p.m. on the eleventh Tuesday prior to the presidential primary election a written
27 statement, sworn to before an officer authorized by law to administer oaths, requesting that such
28 candidate's name not be printed on the official primary ballot. Thereafter, the secretary of state
29 shall not include the name of that candidate in the official list announced pursuant to section
30 115.758 or in the certified list of candidates transmitted pursuant to section 115.765.

31 4. The filing times set out in this section shall only apply to presidential preference
32 primaries, and are in lieu of those established in section 115.349.

2 [115.755. A statewide presidential preference primary shall be held on
3 the first Tuesday after the first Monday in February of each presidential election
year.]

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